

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M., on Wednesday, December 4, 2002.

PRESENT:	Ted Dziurman	ALSO PRESENT:	Mark Stimac
	Rick Kessler		Ginny Norvell
	Bill Need		Pam Pasternak
	Bill Nelson		

ABSENT: Frank Zuazo

### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 6, 2002**

Motion by Need  
Supported by Nelson

MOVED, to approve the minutes of the meeting of November 6, 2002 as written.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

MOTION TO APPROVE MINUTES CARRIED

### **ITEM #2 – VARIANCE REQUESTED. PAUL DETERS OF METRO DETROIT SIGNS, 1810 MAPLELAWN, for relief of Chapter 78 to install a fifth wall sign and a third ground sign.**

Mr. Stimac explained that the Building Department had received a written request from Mr. Deters asking that this item be withdrawn. The withdrawal request was received and noted and the Board took no further action.

### **ITEM #3 – VARIANCE REQUESTED. DAVID WILNER, 2073 EAST MAPLE ROAD, for relief of Chapter 78 to install a 32 square foot ground sign.**

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 32 square foot ground sign, 12' in height, in the ultimate right of way. Table B of Section 9.02, of the Ordinance requires that a sign of this height be placed 20' back from the 60' ultimate right of way, (80' from the section line), on Maple Road. The site plan submitted indicates placement of the proposed sign in the ultimate right of way – 47' from the section line. There is currently 37' of right of way in the area where the sign is proposed.

This item first appeared before this Board at the meeting of November 6, 2002 and was postponed to allow City Staff to meet with the City Attorney's office to insure that neither the City nor County would incur any extra costs if this sign were installed and then removed from the future right of way. The language of such an agreement has been developed and agreed upon by the City and the Petitioner.

**ITEM #3 – con't.**

Mr. Wilner indicated that they have reviewed the agreement drawn up by the City Attorney and are in agreement with the language contained in it.

Mr. Dziurman asked if the Building Department was satisfied with this agreement and Mr. Stimac stated that the agreement does cover the removal of the sign if Maple Road is widened and additional right of way is acquired. Mr. Stimac also said that currently this is private property.

Motion by Need  
Supported by Nelson

MOVED, to grant the request of David Wilner, 2073 East Maple Road, for relief of Chapter 78 to install a 32 square foot ground sign 47' from the section line in the ultimate right of way.

- Contingent upon execution of the agreement between the City and petitioner.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

**ITEM #4 – VARIANCE REQUESTED. JAN GARANT, 4985 ALTON DRIVE,** for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high fence in the front setback. This lot is a double front lot. As such, it has a front yard along both Alton and East Long Lake. Chapter 83 limits fences in required front yards to 30" in height. The site plan submitted indicates a 6' high privacy fence in the required front setbacks along Alton and East Long Lake.

This item appeared on the agenda for the meeting of November 6, 2002 and was tabled to allow the petitioner the opportunity to bring in a detailed plan of the landscaping and fence location. Revised plans are provided.

Mr. and Mrs. Garant were present. Mr. Garant stated that they wished to construct this fence 11.5' from the sidewalk. Mrs. Garant indicated that she plans to add shrubs along the north side of the fence line, which will soften the look of this fence. Mr. Garant also indicated that they had decided to put up a shadow box wood fence, rather than a vinyl fence.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. Ms. Garant had brought in five (5) signatures indicating approval of this request.

**ITEM #4 – con't.**

Motion by Need

Supported by Nelson

MOVED, to grant the request of Mr. and Mrs. Jan Garant, 4985 Alton, for relief of Chapter 83 to install a 6' high privacy fence and 36" high shadow box wood fence in the required front setbacks along Alton and East Long Lake Road.

- Fence will be installed 11.5' from the sidewalk.
- Variance is not contrary to public interest.

Yeas: All – 4

MOTION TO GRANT REQUEST CARRIED

**ITEM #5 – VARIANCE REQUESTED. HARDY & SONS SIGN SERVICE, 2017**

**LIVERNOIS**, for relief of Chapter 78 to maintain two 20 square foot signs on an existing canopy.

Mr. Stimac explained that the petitioner is requesting relief to maintain two 20 square foot signs on an existing canopy. These signs were installed without first obtaining the required permits. Section 9.02.04 of Chapter 78, the Sign Ordinance, permits ground and wall signs. The facility already has the allowed ground and wall signage and there is no provision to allow for the additional signs on canopies.

Mr. Harold Hardy of Hardy & Sons Sign Service, as well as Mr. Naad Ouro, the owner of the Service Station, were present. Mr. Hardy stated that the canopy company had installed these two signs when they put in the canopies. Mr. Hardy also indicated that he thought that the signs are necessary in order to increase the visibility for potential customers.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Mr. Kessler indicated that he thought that this location had too many existing signs, and did not see the need for any additional signage. Mr. Ouro indicated that he feels that the new signs are necessary to help increase customer business. Mr. Kessler also stated that he thought that the existing sign over the door of the station could be removed, as he feels that this is unnecessary signage.

Mr. Ouro indicated that he had planned on removing this sign sometime in the next year.

**ITEM #5 – con't.**

Motion by Kessler

Supported by Nelson

MOVED, to grant Hardy & Sons Sign Service, 2017 Livernois, relief of Chapter 78 to maintain two 20 square foot signs on an existing canopy.

- Existing awning sign over door will be removed within sixty (60) days.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 4

**MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED**

**ITEM #6 – VARIANCE REQUESTED. PHILIP SERAFINI, 1413 OGDEN**, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief to install a 48" high non-obscuring split rail fence 3' from the north property line, in the required setback along East Wattles. Because of the orientation of other houses in the same block, this lot is classified as a double front, through lot. As such, it has front yard requirements along both Ogden and East Wattles. This area is also is the location of a 24' wide landscape and greenbelt easement. The Parks and Recreation department has reviewed and approved the proposed location and type of fence in the greenbelt easement. Chapter 83 limits fences in required front yard setbacks to 30" in height.

Mr. Serafini was present and stated that he has three (3) children under the age of five and is concerned for their safety. Mr. Serafini said that he would like to protect his children from both the traffic that runs along East Wattles and also to provide a barrier from pedestrians along Wattles going through his yard.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Nelson

Supported by Kessler

MOVED, to grant the request of Philip Serafini, 1413 Ogden, for relief of Chapter 83 to install a 48" high non-obscuring split rail fence 3' from the north property line, in the required setback along East Wattles.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

**ITEM #6 – con't.**

Yeas: 3 – Nelson, Kessler, Dziurman

Nays: 1 – Need

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #7 – VARIANCE REQUESTED. ANIL MEHTA, 2422 CEDAR KNOLL**, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence at 2422 Cedar Knoll. This lot is a double front corner and through lot. As such, it has a front yard requirement along Big Beaver to the south, and Cedar Knoll Drive to the north and east. Chapter 83 limits fences in required front yard setback along Big Beaver to not more than 30" in height. In addition a fence in the yard along Cedar Knoll to the east is limited to a 48" high non-obscuring type fence. Previous action by this Board on behalf of the subdivision developer approved a 6' high privacy fence, located 15' from the south property line along Big Beaver, for the western 50 feet of this lot. The site plan submitted indicates continuing this 6' high privacy fence an additional 25' to the east property line. In addition, the petitioner proposes a 4' high solid wood fence along the east property line along Cedar Knoll Drive.

Mr. Anil Mehta was present and stated that he has two (2) young children and is concerned about their safety. Mr. Mehta indicated that before he purchased this home, he was assured that he would not have a problem installing a fence. Mr. Mehta expressed concern that his children are visible to the traffic on westbound Big Beaver, as well as the cars that are turning into this subdivision.

Mr. Stimac explained to the Board that there is a 25' corner clearance requirement and that the proposed fence would have to be setback 10' from Cedar Knoll in order for it to stay out of the corner clearance requirement.

Mr. Need stated that he thought that the petitioner could extend the existing fence 15' to the east and construct the fence 10' from the property line. The petitioner indicated that he would rather construct the fence right next to the sidewalk. Mr. Need explained that the Board would not be inclined to grant this type of request.

The Chairman opened the Public Hearing.

Mr. Christopher Pratt, 3031 Cedar Crest Drive, was present and stated that he was the developer of this site. Mr. Pratt indicated that Detroit Edison has a permanent easement that excludes fences constructed within 10' of the east property line. Mr. Pratt also stated that this property has a catch basin located in the rear yard and occasionally this basin gets clogged up and the City is required to come out and clean up this area. Mr. Pratt stated that a solid fence would limit the City's access to this site. Mr. Pratt also stated that there are deed restrictions regarding fencing in this area, as

**ITEM #7 – con't.**

well as a Condo Association, which requires review and approval of proposed fencing. Mr. Pratt indicated that because his home is directly across the street he would be opposed to a privacy fence, unless it was constructed with the “good” side facing out.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There are no written approvals on file.

Motion by Need

Supported by Nelson

MOVED, to grant the request of Anil Mehta, 2422 Cedar Knoll for relief of Chapter 83 to extend an existing 6' high privacy fence, located 15' from the south property line along Big Beaver an additional 15' to the east; and also to construct a 4' high solid wood fence along Cedar Knoll Drive.

- 4' high fence will be constructed 10' from the right of way line along Cedar Knoll.
- A 6' gate will be installed at the south end of the fence along Cedar Knoll.
- “Good” side of the fence will face out to the public view.
- Proposed fence will be subject to review and approval of the Condo Association.

Yeas: All – 4

MOTION TO GRANT REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:20 A.M.

MS/pp